SAN PRINCE POR FILING

IN RE: PETITION FOR ADMIN. VARIANCE

E/S of Button Buck Circle, 122' S

of Deer Trail Way

2nd Election District

2nd Councilmanic District

9605 Button Buck Circle

Terrace Mitchell & Karen Barrett

Petitioners

BEFORE THE

* DEPUTY ZONING COMMISSIONER

OF BALTIMORE COUNTY

CASE NO. 99-484-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as an administrative variance filed by Terrace Mitchell and Karen Barrett, property owners, for that property known as 9605 Button Buck Circle in the Randallstown area of Baltimore County. The Petitioners herein seek a variance from Sections 1B01.2.C.1.c and 301 of the Baltimore County Zoning Regulations (BCZR) to permit an open projection (deck) with a setback of 11.5 ft. in lieu of the minimum required setback of 22.5 ft. The subject property and requested relief are more particularly described on Petitioner's Exhibit No. 1, the plat to accompany the Petition for Variance.

The Petitioners having filed a Petition for Administrative Variance and the subject property having been posted, and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Deputy Zoning Commissioner, the information, photographs, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this Aday of June, 1999 that a variance from Sections 1B01.2.C.1.c and 301 of the Baltimore County Zoning Regulations (BCZR) to permit an open projection (deck) with a setback of 11.5 ft. in lieu of the minimum required setback of 22.5 ft, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

TIMOTHY M. KOTROCO

DEPUTY ZONING COMMISSIONER

FOR BALTIMORE COUNTY

TMK:raj



Suite 405, County Courts Bldg. 401 Bosley Avenue Towson, Maryland 21204 410-887-4386

Fax: 410-887-3468

June 28, 1999

Mr. Terrace Mitchell Ms. Karen Barrett 9605 Button Buck Circle Randallstown, Maryland 21133

Re: Petition for Administrative Variance

Case No. 99-484-A

Property: 9605 Button Buck Circle

Dear Mr. Terrace & Ms. Barrett:

Enclosed please find the decision rendered in the above-captioned case. The Petition for Administrative Variance has been granted in accordance with the enclosed Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days from the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our appeals clerk at 410-887-3391.

Very truly yours,

Timothy M. Kotroco

Deputy Zoning Commissioner

Muthy Kotrow

TMK:raj Enclosure



RSU 9115198

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

for the property located at	9605	BUTTON	BUCK CIRCLE	
which	is present	ly zoned	OR-2	

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1801. Z. C. I.c. AHO 301 BCZR

TO PERMIT AH OPEN PROJECTION (DECK) WITH A SETBACK OF 11.5'IN LIEU OF THE MINIMUM REQUIRED SETBACK OF ZZ.5"

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the reasons indicated on the back of this petition form.

Property is to be posted and advertised as prescribed by the zoning regulations. I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

			is the subject of this Pe	etition.	
Contract Purc	chaser/Lessee:		Legal Owner(s):		
			Terrace	Mitchell	
Name - Type or Prin	nt		Name - Type or Print	Λ.	
			Jerreve	a Mitch	
Signature			Signature	~ \	
Address		Telephone No.	Kaven B	arrett	
Address		reieptiotie 140.	Name - Type of Find	n Ba	nett
City	State	Zip Code	Signature		410-922 -0531 410-342-2677
Attorney For I	Petitioner:		9605 BUTTON BU	CK CIRLLE	410-542-6214
<u> </u>	<u> </u>		Address		Telephone No.
Attorney For I			Randalls town	n ud	21133
Name - Type or Prin	t	······································	City	State	Zip Code
			Representative to	be Contacted:	
Storator			Nicholas Tr	ev	
Company			Name 5205 EAST 3	_	. 410-247-69 a
Address 1		Telephone No.	Address		Telephone No.
$\mathcal{N}_{\mathcal{D}}$			BALTO.	MD-	21227
City	State	Zip Code	City	State	Zip Code
A Public Hearing h	aving been formally demande	ed and/or found to	be required, it is ordered by the	Zoning Commissione	er of Baltimore County,
∰ahis ∖ dav of	. that	the subject matter	of this petition be set for a public h	earing, advertised, as	required by the zoning
"isonismous or parm.	nore County and that the property	te reposted.			
				Control Dallings	
			Zoning Commis	sioner of Baltimore Co	
CASE NO.	99-484-A	R	Reviewed By JF/LTN	1 Date 5	-28-99
		5	Setimated Pacting Date	6-6-99)

Estimated Posting Date ____

Affidavit in Support of Administrative Variance

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows: That the information herein given is within the personal knowledge of the Affiant(s) and that Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at	9605	Button	Buck	arcle_	
That the Amant(s) does not presently reside at	Address				71172
	Rand	allstow	∧ Stat	MD.	ZI133 Zip Code
	•				•
That based upon personal knowledge, the follo Variance at the above address (indicate hardshi	wing are the raip or practical of	acts upon wr difficulty):	nich I/we d	ase the request	for an Administrative
WE HAVE 4 CHILDRES	N AND	WANT TO	ME DO	CK TO R	XPAND
Living stack AND	Prov.de	SAT	KTY	rer Trie	CHILDREN
That the Affiant(s) acknowledge(s) that if a for advertising fee and may be required to provide a	ormal demand additional infor	is filed, Affi mation.	ant(s) will	be required to	pay a reposting and
Januare mitale	<u>el</u>	Signature	ares	n Ba	net
Terrace Mitchell Name - Type or Print		Kar Name - Typ	re or Print	Barrett	
STATE OF MARYLAND, COUNTY OF BALTIN	MORE, to wit:				
of Maryland, in and for the County aforesaid, pe	rsonally appea	ared //	<u>99</u> , b	efore me, a Nota	ry Public of the State
the Affiant(s) herein, personally known or satis law that the matters and facts hereinabove set f	factorily identification or the area true and true are true are true are true are true are area.	fied to me as nd correct to	s such Affi the best o	ant(s), and mad f his/her/their kn	e oath in due form of owledge and belief.
AS WITNESS my hand and Notarial Seal		4		s 1	
<u>5-(9-99</u> Date	<u></u>	ry Public	jory Ch	amis!	
	My C	Commission I	Expires	y Comm. Exps.	, 200g

ZEU 09115198

Affidavit in Support of Administrative Variance

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competent to testify the	ereto in the event t	hat a public h	nearing is schedu	led in the fu	iture with regard	thereto.	marit(e) lorare
That the Affiant(s) doe	s/do presently resi	Addre	SS		CIRCLE		
		Ra	indalls town	\	M) State		2)133 Zip Code
		-					•
That based upon personal Variance at the above	onal knowledge, the address (indicate l	ne following a nardship or pr	re the facts upor ractical difficulty):	n which I/w	e base the requ	lest for an	Administrative
we have	4 children	n and	WANT THE	Deck	TO EXPAND	LIVING	space,
	AND TO	provide	SAFETY	FOR T	THE (HILL)	neN	
That the Affiant(s) acl	knowledge(s) that	if a formal o	temand is filed.	Affiant(s) v	vill be required	to pay a	reposting and
advertising fee and ma	y be required to pr	ovide addition	nal information.	()	•		
Tenore	Mitabel		Sings	Sare	n Bornett	me	AT.
Signature	as Ik an		Signati <i>I</i>	ure	a ++-		
Name - Type or Print	1. tchell		Name	- Type or Print	barre 1		
STATE OF MARYLAN	ID, COUNTY OF E	BALTIMORE,	to wit:				
I HEREBY CERTIFY, of Maryland, in and for	this <u>19</u> day of	May	by consorred	99	, before me, a N	Notary Publ	ic of the State
Terrace M. L	the County alores	Laces	bacce Lt				
the Affiant(s) herein, p law that the matters an	ersonally known of facts hereinabov	or satisfactoril re set forth ar	y identified to me e true and correct	e as such A	Affiant(s), and not of his/her/their	nade oath i knowledge	n due form of and belief.
AS WITNESS my hand	d and Notarial Sea	l			¥		
5-19-95			Gric L	diregens (hamish		
Date		-	Notary Public	0	My Comm.	Ex.75,	700-
			My Commissi	on Expires		-	2000



REU 9/15/98

Petition for Administrative Variance

to the Zoning Commissioner of Baltimore County

	for the proper	ty located at	4605	BUTTON	BUCK	CiRCLI	<u> </u>
			h is presen			2_	
This Petition shall be filed with the I owner(s) of the property situate in Baltin	more County and wh	ich is described	in the desc	cription and	plat attac	ched here	to and
made a part hereof, hereby petition for		non(s) 1601	. 2	$l \sim a$	nd 30) (B	cze
TO PERMIT AH OPE		/	-	(DEC	4) W	ITH	
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SETBACK OF 22.5	- (
of the zoning regulations of Baltimore C of this petition form.	County, to the zoning	law of Baltimore	e County, fo	or the reaso	ns indica	ited on the	e back
Property is to be posted and advertised I, or we, agree to pay expenses of above V regulations and restrictions of Baltimore Co	/ariance, advertising, p	osting, etc. and fi	urther agree :	to and are to re County.	be bound	ded by the	zoning
		perjury, tha	lemnly decla at I/we are the ect of this Pe	e legal owne	ı, under th r(s) of the	e penalties ⊦property v	s of vhich
Contract Purchaser/Lessee:		<u>Legal Or</u>	wner(s):				
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Name - Type or Print		Name - Type		- M	Lelot		
Signature		Signature		surrett			
Address	Telephone No.	Name - Type	e or Print	. `	net	F	
City State	Zip Code	Signature	<u> </u>			410-922 - C	5531
Attorney For Petitioner:		9605	BUTTON	BUCK CIR		410-372 ·	
,,		Address	1			Telepho	
			LLSTOWN	M.	ン. State	2113	3 p Code
Name - Type or Print		City				÷-1	p 0040
Signature		. 15.1	ntative to	be Conta	<u>crea:</u>		
Company		Name	las D	· ney			
Company		5205	EAST]	DRIVE SU	ITET.	410-24	17-696
Address	Telephone No.	Address		, , , , , , , , , , , , , , , , , , ,	_	Telephor	_
		Balty	<u>ə.</u>		MD.		227 Code
City State	Zip Code	City			State	•	
A Public Hearing having been formally dema this day of regulations of Baltimore County and that the prop	that the subject matter of	ne required, it is on this petition be set	rdered by the for a public he	Zoning Comr earing, adverti	nissioner o sed, as rec	f Baltimore juired by the	County, zoning
		— 	oning Commiss	sioner of Balti	more Coun'	iy	
CASE NO 99-48	Re	viewed By	IT/LTM	1_Date	_5=	8-39	
~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~	Es	timated Postin	g Date	(	6-6-9	<u>うつ</u>	

Zoning Description for 9605 Button Buck Circle beginning at a point on the East side of Button Buck arcle which is 25 feet wide at the distance of 122 feet south of the nearest improved intersecting street Deer Trail way 35 feet wide. Being Lot #80, Block "A" in the subdivision of "Village of Deer Park" as recorded in Bultimore country Plat Book # 66, Folio # 121 Containing 2,064 SavARE Feet. Also known as 9605 Button Buck Circle and located in the 2ND ELECTION DISTRICT, 2nd Council manic District.

99.484-A

# 484

a see a see a see see see see see see se	DISTRIBUTION WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER	FOR: 01 - Variance	RECEIVED AMOUNT \$ 50.00	DATE 5'28-99 ACCOUNT F-001-6150	MISCELLANEOUS RECEIPT	BALTIMORE COUNTY, MA AND
	4.66	Taken by Jef	Republication of the control of the	AK6	No. 0 65 55 55 55 55 55 55 55 55 55 55 55 55	at Enganteen to the contract of
CASHIER'S VALIDATION		50.00 CK 50.00 CA BALTIMORE COUNTY, Maryland	<b>2</b> ≈ 5	1500 ACHINA MANA MANISTE 1500 SY.10/1959 T4:20:40 1810 WILLIAM		ا میر کارد کار کارد انتخاب کارد کرد کارد کرد کرد کارد کرد کرد کرد کرد کرد کرد کرد کرد کرد ک

### CERTIFICATE OF POSTING

RE: CASE # 99-484-A
PETITIONER/DEVELOPER:
[Terrace Mitchell]
DATE OF Closing
(June 21, 1999)

Baltimore County Department of Permits and Development Management County Office Building, Room 111 111 West Chesapeake Ave. Towson, Maryland 21204

ATTENTION: MS. GWENDOLYN STEPHENS

LADIES AND GENTLEMEN:

This letter is to certify under the penalties of perjury that the necessary sign(s) required by law were posted conspicuously on the property located at 9605 Button Buck Circle Baltimore , Maryland 21133________

The sign(s) were posted on ______ 6-4-99 ______.

[Month, Day, Year]



Sincerely,
(Signature of Sign Poster & Date)
Thomas P. Ogle, Sr
325 Nicholson Road
Baltimore, Maryland 21221
(410)-687-8405 (Telephone Number)

## ADMINISTRATIVE VARIANCE INFORMATION SHEET AND DATES

Case Number 99- 484 -A Address 9605 Button Buck Circle
Contact Person: Jun Fernando / Lloyd Moxley Phone Number: 410-887-339
Filing Date: $5-28-99$ Posting Date: $6-6-99$ Closing Date: $6-21-9$
Any contact made with this office regarding the status of the administrative variance should be through the contact person (planner) using the case number.
1. <u>POSTING/COST:</u> The petitioner must use one of the sign posters on the approved list (on the reverse side of this form) and the petitioner is responsible for all printing/posting costs. An reposting must be done only by one of the sign posters on the approved list and the petitione is again responsible for all associated costs. The zoning notice sign must be visible on the property on or before the posting date noted above. It should remain there through the closing date.
2. <b>DEADLINE:</b> The closing date is the deadline for an occupant or owner within 1,000 feet to file a formal request for a public hearing. Please understand that even if there is no formal request for a public hearing, the process is not complete on the closing date.
ORDER: After the closing date, the file will be reviewed by the zoning or deputy zoning commissioner. He may: (a) grant the requested relief; (b) deny the requested relief; or (c order that the matter be set in for a public hearing. You will receive written notification (typically within 7 to 10 days of the closing date) as to whether the petition has been granted denied, or will go to public hearing. The order will be mailed to you by First Class mail.
4. POSSIBLE PUBLIC HEARING AND REPOSTING: In cases that must go to a public hearing (whether due to a neighbor's formal request or by order of the zoning or deputy zoning commissioner), notification will be forwarded to you. The sign on the property must be changed giving notice of the hearing date, time and location. As when the sign was originally posted, certification of this change and a photograph of the altered sign must be forwarded to this office.
(Detach Along Dotted Line)
Petitioner: This Part of the Form is for the Sign Poster Only
USE THE ADMINISTRATIVE VARIANCE SIGN FORMAT
Case Number 99- 484 -A Address 9605 Button Buck Gree
Petitioner's Name Terrace Mitchell & Karen Barrett Telephone 410-922-0531
Posting Date: 6-6-99 Closing Date: 6-21-99
Wording for Sign: To Permit an apen projection addition Caleck) with a
Wording for Sign: To Permit an open projection addition Caeck) with a setback of 11.5' in lieu of the minimum required setback
of 22.5'.

## DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT ZONING REVIEW

### ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The <u>Baltimore County Zoning Regulations</u> (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

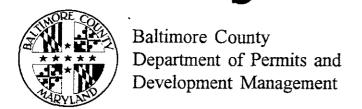
Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

## OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:
Item Number or Case Number: 484  Petitioner: MR m.thell
Address or Location: 9605 Button Buck circuit
PLEASE FORWARD ADVERTISING BILL TO:
Name: Nicholas Trey
Address: 5205 EAST DRIVE SUITE TI
BALTO. MD. 21227
Telephone Number: 410 - 247 - 6900

Revised 2/20/98 - SCJ

99.484-A



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204 pdmlandacq@co.ba.md.us

June 22, 1999

Mr. Nicholas D. Trey 5205 East Drive, Suite T Baltimore, MD 21227

Dear Mr. Trey:

RE: Case No.: 99-484-A, Petitioner: Mitchell,

Location: 9605 Button Buck Circle

The above referenced petition was accepted for processing by the Bureau of Zoning Review, Department of Permits and Development Management (PDM), on May 28, 1999.

The Zoning Advisory Committee (ZAC), which consists of representatives from several Baltimore County approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency.

Very truly yours,

W. Carl Richards, Jr.

Zoning Supervisor

Zoning Review

WCR:ggs

Enclosures

#### BALTIMORE COUNTY, MARYLAND

#### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: June 16, 1999

Department of Permits & Development

Management

FROM

Robert W. Bowling, Supervisor

Bureau of Development Plans Review

SUBJECT

Zoning Advisory Committee Meeting

for June 14, 1999

Item Nos. 456, 459, 460, 461, 462,

464, 466, 467, 468, 469, 471, 472,

474, 475, 476, 477, 482, 483, 484

£ 485

The Bureau of Development Plans Review has reviewed the subject zoning items, and we have no comments.

RWB:HJO:jrb

cc: File



700 East Joppa Road Towson, Maryland 21286-5500 410-887-4500

June 16, 1999

Arnold Jablon, Director
Zoning Administration and Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF JUNE 7, 1999

Item No.: See Below Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:

456, 457, 458, 459, 460, 461, 462, 464, 465, 466, 467,

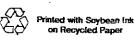
468, 469, 470, 471, 472, 474, 475, 476, 477, 478, 479,

480, 483, (484) AND 485

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

RECEIVED JUN 2 1 1990



## BALTIMORE COUNTY, MARYLAND

### INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits
and Development Management

Date: June 4, 1999

FROM: Arnold F. 'Pat' Keller, III, Director

Office of Planning

**SUBJECT:** Zoning Advisory Petitions

The Office of Planning has no comment on the following petition(s): Item No(s): 456, 465, 472, 474, 484, and 485

If there should be any questions or this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 410-887-3480.

Section Chief: January W. Z.5

AFK/JL



Parris N. Glendening Governor John D. Porcari Secretary Parker F. Williams Administrator

6.4.99 Date:

Ms. Gwen Stephens Baltimore County Office of Permits and Development Management County Office Building, Room 109 Towson, Maryland 21204

RE:

Baltimore County

Item No. 484 JRF/LTM

Dear. Ms Stephens:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

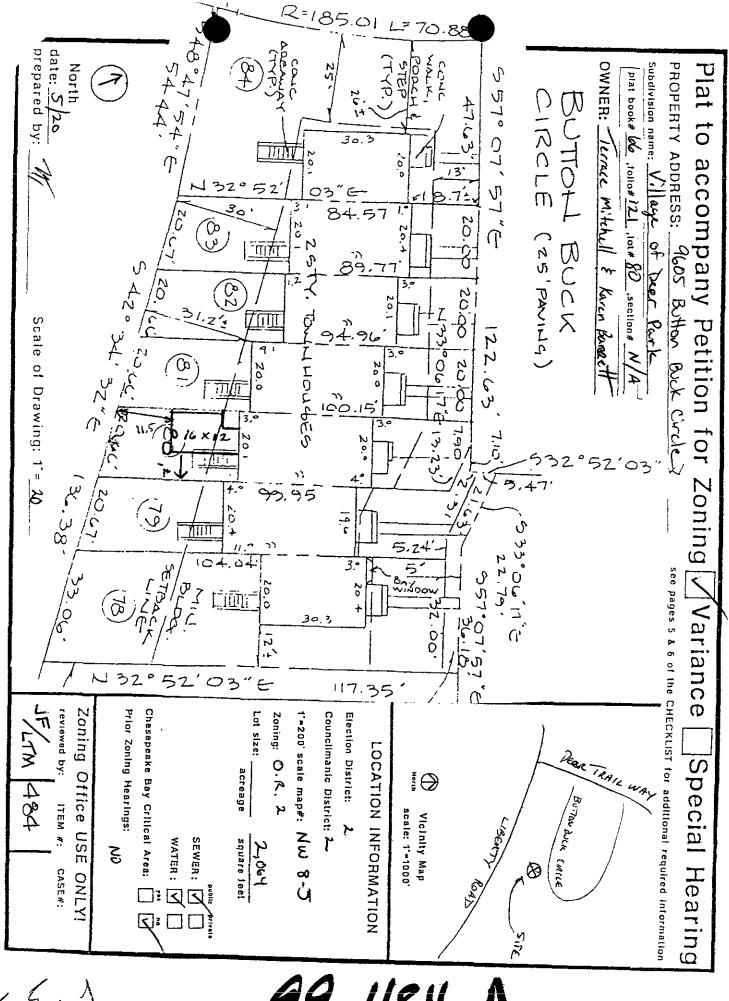
Should you have any questions regarding this matter, please contact Larry Gredlein at 410-545-5606 or by E-mail at (lgredlein@sha.state.md.us).

Very truly yours,

✓ Michael M. Lenhart, Chief

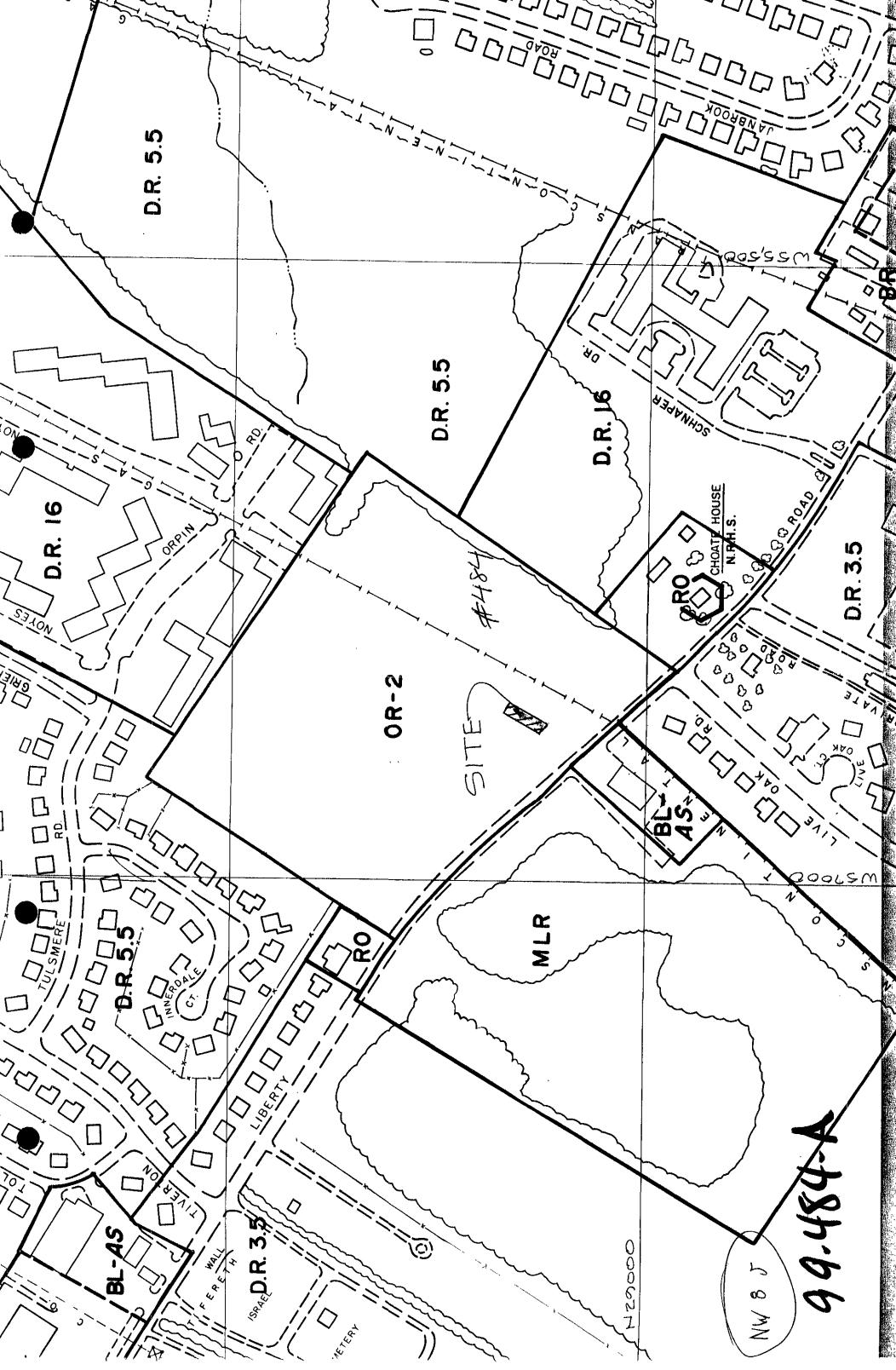
f. f. Drelle

Engineering Access Permits Division



99.484.A

-15-





VIEW OF SITE FROM LEFT Side of home



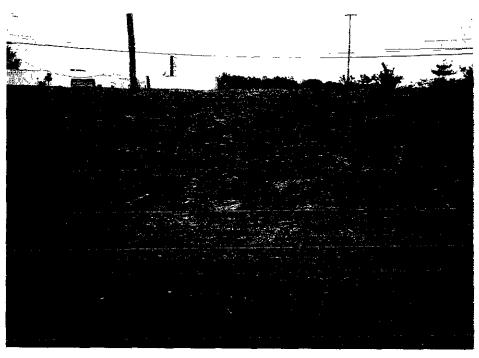
View of site from Right side of home

484

99.484.A



VIEW OF SITE FROM Hill BE-4 LIBERTY ROAS



View of Hill From House.

49.484.A

ZONING AREA 9-7-¥. ¥.